



BOARD OF ADJUSTMENT AND APPEALS AGENDA

Thursday, August 1, 2013

6:30 p.m.

Coon Rapids City Center

Council Chambers

City Code and State Statute regarding variances

Call to Order

Roll Call

Adopt Agenda

Approval of Minutes from Previous Meeting

New Business

1. Street Side Yard Setback Variance, Daniel Flaherty, 11749 Bittersweet Street, 09-31-24-43-0080, Case 13-07V

Other Business

Adjourn



Board of Adjustment and Appeals - Regular Session

Meeting Date: 08/01/2013

Subject: City Code and State Statute regarding variances

From: Cheryl Bennett, Housing and Zoning Coordinator

INFORMATION:

Attachments

Variance Procedure



TITLE 11
LAND DEVELOPMENT REGULATIONS

CHAPTER 11-300
ADMINISTRATION

(VARIANCE PROCEDURE AND REQUIREMENTS)

11-304.9 Variances.

(1) When used; Process. A request under Minn. Stat. 462.357 to vary from the standards of this title. A public hearing is required, and the Board of Adjustment and Appeals is the decision maker, subject to appeal to the City Council.

(2) Standards for Approval. A variance may be granted after the following findings are made:

(a) The variance is in harmony with the general purposes and intent of the ordinance from which the variance is requested.

(b) The variance is consistent with the Comprehensive Plan.

(c) The applicant demonstrates there are practical difficulties in complying with the ordinance from which the variance is sought. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Economic considerations alone do not constitute practical difficulties. In determining this standard, all the following must be met:

(i) Unless the variance is granted, the property cannot be used in a reasonable manner. If a property can be used reasonably without the granting of a variance, it can be used in a reasonable manner.

(ii) The variance requested must be the minimum to make reasonable use of the property.

(iii) The plight of the applicant or landowner is due to circumstances unique to the property not created by the applicant or landowner.

(iv) The variance, if granted, will not alter the essential character of the locality.

(d) Special exemption for earth-sheltered construction: Variances must be granted for earth sheltered construction as defined in Minn. Stat. §216C.06, subd. 14, when in harmony with the ordinance.

Revised City Code - 1982

Minn. Stat. 462.357 provides that: The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

An approved variance has no time limit unless specified as a condition of the variance.

2012 Minnesota Statutes

462.357 OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6.Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

216C.06 DEFINITIONS.

Subd. 14.Earth sheltered.

"Earth sheltered" means constructed so that 50 percent or more of the exterior surface is covered or in contact with earth. Exterior surface includes all walls and roof, but excludes garages and other accessory buildings. Earth covering on walls is measured from the floor of the structure's lowest level. Earth covering on the roof must be at least 12 inches deep to be included in calculations of earth covering. Partially completed buildings shall not be considered earth sheltered.



Board of Adjustment and Appeals - Regular Session

Meeting Date: 08/01/2013

SUBJECT: Approval of Minutes from Previous Meeting

Attachments

March 7, 2013 Minutes

COON RAPIDS BOARD OF ADJUSTMENT AND APPEALS MEETING MINUTES OF MARCH 7, 2013

The regular meeting of the Coon Rapids Board of Adjustment and Appeals was called to order by Chairman Wessling at 6:30 p.m. on Thursday, March 7, 2013, in the Council Chambers.

Members Present: Chairman Gary Wessling, Commissioners Jeanette Rosand, Teri Spano-Madden, Trish Thorup and Aaron Vande Linde

Members Absent: None

Staff Present: Housing and Zoning Coordinator Cheryl Bennett, Assistant City Attorney Melissa Westervelt and Neighborhood Coordinator Kristen DeGrande

CALL TO ORDER

Chairman Wessling called the meeting to order at 6:30 p.m.

APPROVAL OF THE MARCH 7, 2013, AGENDA

MOTION BY COMMISSIONER SPANO-MADDEN, SECOND BY COMMISSIONER ROSAND, TO APPROVE THE MARCH 7, 2013, AGENDA AS SUBMITTED. THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF THE DECEMBER 6, 2012, MEETING MINUTES

Commissioner Rosand referred to the fourth paragraph on page two and stated the staff position titles do not match those listed on page one as being present at the meeting. She asked if it was necessary to list titles and if so, should they match those listed on page one.

Cheryl Bennett responded it was not necessary to list the staff positions again on page four but would ensure they matched.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER VANDE LINDE, TO APPROVE THE DECEMBER 6, 2013, MEETING MINUTES AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

1. **CASE 13-01V – SALLY JORDAN – 110TH LANE NW – SPECIAL ASSESSMENT OBJECTION**

Chair Wessling reviewed the case noting the Board of Adjustments and Appeals was requested to consider unpaid penalties and/or costs associated with code enforcement action against the subject property in the amount of \$4,500. He asked for staff comment.

Kristen DeGrande stated this item was for \$4,500, which was a combination of four administrative penalties for no garbage services.

Chair Wessling stated the homeowner had noted that she hauls her garbage out of the City, bringing it up north for disposal. He asked what brought this lack of garbage service to the attention of the

City. Ms. DeGrande responded this was brought to the attention of the City by a resident. She noted citations had been issued with no response from the property owner. She indicated staff also checked with the licensed garbage haulers and learned this homeowner did not have service at that time.

Chair Wessling asked if the homeowner could choose to dispose of their garbage in another method other than to hire a garbage hauler.

Ms. DeGrande responded that City Code Chapter 8, Section 8-204, requires all residential and commercial properties to have a contract for garbage collection. She indicated an application could be made an exemption, but this homeowner had not done that. She noted the homeowner had recently expressed interest in applying for an exemption but, in terms of the assessment, there had been no response to the citations.

Chair Wessling asked if the homeowner still did not have garbage disposal services. Ms. DeGrande responded staff had received a message this week from the homeowner stating that she would obtain garbage service. She said staff would follow up to ensure a contract for garbage service was obtained.

Chair Wessling asked if the homeowner was present and wanted to make a comment.

Sally Jordan, 2098 110th Avenue NW, stated she had obtained a divorce and that her children brought the garbage to her ex-husband's township where he was living. She stated the reason she had not responded to the City's notices was due to medical issues.

Chair Wessling noted this had gone on for some time. He noted the citation was well laid out and he did not understand why no response was forthcoming.

Ms. Jordan stated she had been working two jobs and when she was not working, she was in bed due to her medical condition. She noted she was not allowed to make personal calls at work and, therefore, could not call the City and give them a response.

Chair Wessling stated he could not see any reason to reduce this assessment or change the assessment. He suggested staff's recommendation be affirmed.

MOTION BY COMMISSIONER ROSAND, SECOND BY COMMISSIONER VANDE LINDE, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$4,500 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

2. CASE 13-02(V) – GAIL AND HARRY VAN COURT – 11949 CROCUS STREET NW – SPECIAL ASSESSMENT OBJECTION

Chair Wessling reviewed the cases noting the Board of Adjustment and Appeals was requested to consider unpaid penalties and/or costs associated with code enforcement action against the subject property in the amount of \$546. Chair Wessling noted there had been more than one notice sent to the homeowner. He asked for staff comment.

Ms. De Grande stated there had been only one citation sent along with a follow up. She indicated the amount of \$546 was for an administrative citation for exterior storage and the related abatement costs. She stated this was a rental property. She noted the citation was mailed to both the property owner as well as to the tenant at the property. She indicated the property owner had submitted an objection to the assessment.

Chair Wessling asked if anyone was present to address the Board. No one appeared.

Chair Wessling stated it appeared the City made an effort to contact the property owner. He indicated it was unfortunate renters could cause homeowners these types of problems.

Commissioner Spano-Madden noted it was the property owner's responsibility to check on their renters.

Chair Wessling stated he saw no reason not to affirm this.

MOTION BY COMMISSIONER THORPE, SECOND BY COMMISSIONER ROSAND, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$546 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

3. CASE 13-03(V) –RICHARD SMILEY–2720 NORTHDAL BLVD– SPECIAL ASSESSMENT OBJECTION

Chair Wessling noted the Board of Adjustments and Appeals was requested to consider unpaid penalties and/or costs associated with code enforcement action against the subject property in the amount of \$600. He requested staff comment/

Ms. DeGrande stated the amount of \$600 was for a vacant property monitoring fee. She noted the property was vacant and indicated staff had gone to the property two or more times and had spent a considerable amount of time on this matter. She indicated the property owner had filed an objection to the assessment. She noted that while the applicant had paid the assessment, he had also objected to the assessment. It is being brought forward due to that objection.

Chair Wessling asked if anyone was present to address the Board. No one appeared.

Commissioner Vande-Linde noted the homeowner had already paid this and if it is was not affirmed, it would cost the City money.

Chair Wessling stated he did not see any reason not to affirm this.

MOTION BY COMMISSIONER VANDE-LINDE, SECOND BY COMMISSIONER ROSAND, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$600 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

4. CASE 13-04(V) –DANIEL AND TVONNE PUCHALLA–2933 109TH AVENUE NW–
SPECIAL ASSESSMENT OBJECTION

Chair Wessling noted the Board of Adjustments and Appeals was requested to consider unpaid penalties and/or costs associated with code enforcement action against the subject property in the amount of \$866.50. He asked for staff comment.

Ms. DeGrande noted the amount of \$866.50 was for an administrative citation of \$300 for exterior storage, the related abatement cost of \$340.50, and the cost of securing a vacant property of \$226. She stated the property now had new property owners and that the sale closed after the assessment was placed on the property. She stated this pending assessment should have been caught by the title company prior to closing. She stated she had been in contact with the listing agent and the bank, but nothing had been resolved as of the date of this meeting. She indicated when the items were not removed, the City had to go out and abate the property. She noted the property also needed to be secured which was the additional fee. She stated the title company had plenty of time to find this assessment as it had been put on the property a month prior to the closing. She indicated that when she spoke with the bank and the Realtor, she had been told that they did not have an answer yet and it would be a couple more days.

Commissioner Rosand asked if this was a situation where a letter had been sent only to the bank or if the property was also posted. Ms. DeGrande responded nothing was posted on the property, but that the citation had been sent to the owner of record, which was the bank, as well as sent to the property address.

Commissioner Rosand noted that for a perspective buyer there was nothing posted that a City assessment was pending. Ms. DeGrande responded that it was the responsibility of the title company to find this information prior to the closing.

Chair Wessling stated the City did what needed to be done in a timely manner and with proper notification, which meant the assessment should stand. He indicated the property owners, however, did not need to pay this assessment at this time. He stated that as an assessment on the property, the bank has time to pay it.

Ms. DeGrande noted the assessment would be put on the property taxes, so it would not be immediately due.

Melissa Westervelt stated the homeowners could go to the bank for payment, but the homeowners would ultimately be responsible for the assessment.

Ms. Bennett indicated that while payment would not be due until the next year's taxes are due, and assessment fee would be charged and interest would begin accruing on the assessment upon approval by the City Council.

Chair Wessling asked if this could be tabled for a month to give the homeowners time to straighten this out. Ms. Bennett responded that was possible, but it would be heard again at the next assessment hearing and not next month.

Chair Wessling stated he wanted to be as fair as possible to these homeowners as they were not at fault, but he also understood that the City had put in a lot of time on this and needed to be paid. He asked the Board if they had any objection to tabling this.

It was the consensus of the Board to table this matter to the next assessment hearing meeting.

Chair Wessling acknowledged the property owners and asked if they wanted to comment. They had no comment.

MOTION BY COMMISSIONER ROSAND, SECOND BY COMMISSIONER THORUP, TO TABLE THIS MATTER UNTIL THE NEXT ASSESSMENT HEARING MEETING.

THE MOTION PASSED UNANIMOUSLY.

5. CASE 13-05(V) –RYAN AND AMANDA MORGAN– 10441 CROCUS STREET NW – SPECIAL ASSESSMENT OBJECTION

Chair Wessling noted the Board of Adjustments and Appeals was requested to consider unpaid penalties and/or costs associated with code enforcement action against the subject property in the amount of \$600. He asked for staff comment.

Ms. DeGrande stated the amount of \$600 was for two administrative citations for expired license tabs. She noted the property owner had filed an objection to the assessment.

Chair Wessling asked if anyone was present to address the Board. No one appeared.

Commissioner Rosand stated she believed this was a reasonable assessment because the homeowners were not fully in compliance at the time of reinspection of the property.

Chair Wessling stated it appeared the homeowner knew about this, but did not finish.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER ROSAND, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$600 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

6. CASE 13-06(V) –MARVIN HANSON– 10841 KUMQUAT STREET NW– SPECIAL ASSESSMENT OBJECTION

Chair Wessling noted the Board of Adjustments and Appeals is requested to consider unpaid penalties and/or costs associated with code enforcement action against the subject property in the amount of \$2,733.50. He asked for staff comment.

Ms. DeGrande stated the amount of \$2,733.50 was for a combination of three administrative citations plus related abatement fees.

Chair Wessling asked if anyone was living in the house. Ms. DeGrande responded that nobody should be living at the property as the property had been listed as hazardous. She noted the owner of record had been deceased for many years, but the owner's sons had been living there.

Commissioner Rosand stated this property definitely needed some attention.

Commissioner Vande Linde stated it looked like there was work going on at the property. Ms. DeGrande noted people could be in the home working on it during the day, but nobody was to be staying there at night. She indicated this continued to be an active issue, and part of the problem was that the siblings are fighting over who owns the property.

Chair Wessling asked if anyone was present to address the Board. No one appeared.

MOTION BY COMMISSIONER ROSAND, SECOND BY COMMISSIONER THORP, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$2,733.50 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

7. 2012 ANNUAL REPORT OF THE BOARD OF ADJUSTMENT AND APPEALS

Chair Wessling asked the Commissioners had any corrections or questions on the annual report.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER ROSAND, TO ACCEPT THE 2012 ANNUAL REPORT.

THE MOTION PASSED UNANIMOUSLY.

8. ESTABLISH THE JULY 2013 MEETING DATE

Ms. Bennett noted Board's meeting date is the first Thursday, which falls on July 4 this year. She suggested Board's July meeting be held instead on the second Thursday, which is July 11.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, TO CHANGE THE JULY MEETING DATE TO JULY 11, 2013.

THE MOTION PASSED UNANIMOUSLY.

9. ADJOURNMENT

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER ROSAND, TO ADJOURN THE MEETING AT 7:18 P.M. THE MOTION PASSED UNANIMOUSLY.

Respectfully submitted,
Kathy Altman
Board of Adjustment and Appeals Secretary



Board of Adjustment and Appeals - Regular Session

1.

Meeting Date: 08/01/2013

Subject: Street Side Yard Setback Variance, Daniel Flaherty, 11749 Bittersweet Street, 09-31-24-43-0080, Case 13-07V

From: Cheryl Bennett, Housing and Zoning Coordinator

INTRODUCTION

The petitioner requests approval of a 13-foot side yard setback variance from City Code Section 12-510 (1) to locate a 16-foot by 28-foot above-ground pool seven feet from the street side yard lot line along 118th Avenue NW. This will place the wall of the pool seven feet from the property line where a 20-foot setback is required.

Applicable Regulations: 12-510(1)

Findings Required: 11-1304.9(2)

Public Hearing

Decision by Board of Adjustment and Appeals

Appeal available to the Coon Rapids City Council

DISCUSSION

The property is located in the Thompson Heights 5th Addition, platted in 1960. It is a corner lot measuring 90 feet in width along the front property line on Bittersweet Street, 116.63 feet in depth along the street side yard on 118th Avenue NW, 94.02 feet across the rear property line and 128.86 feet in depth along the southerly interior side yard. The lot does not meet current development standards for a corner lot (90-foot width and 135-foot depth required), however, it complies with City Code requirements that permit the lot to be used for conforming uses and structures. According to dimensions provided by the petitioner, the house and garage appear to comply with current setback requirements, however, no survey has been provided that would verify this.

The lot is improved with a single family house of approximately 1,520 square feet fronting on Bittersweet Street and a detached garage of 672 square feet accessible from a driveway off 118th Avenue NW. An attached garage located in the front of the house has been converted to living space; the driveway to this former garage space remains. The original building was constructed at or near the minimum setbacks along Bittersweet Street (front) and the southerly, interior side property line. A deck measuring 10 feet by 20 feet deck is located along the rear wall of the garage; it extends to and is connected with the house. The deck overlooks a rear yard area of approximately 32 feet by 46 feet. There is also a shed measuring 8 feet by 12 feet located in the southeast corner of the rear yard. An existing fence encloses the side and rear yards. All fences enclosing swimming pools must meet the non-climbing type barrier and gate requirements of City Code.

The petitioner proposes to locate the pool in the street side yard adjacent to the northerly side of the house. The side yard ranges in depth from 27.5 feet to 30 feet. The boulevard adjacent to the side yard is approximately 14.5 feet deep. The pool is rectangular with rounded corners and measures 16 feet by 28 feet. It is capable being recessed in the ground to accommodate the slope of a yard and can include a deep end that will hold a water depth of up to seven feet. The proposed location places the pool seven feet from the side wall of the house and seven feet from the

street side property line. A setback of twenty feet from the property line is required.

Setbacks for pools are established by City Code Section 12-510, which reads, in part:

12-510 Location. No portion of a pool, pool deck, or pool appurtenance shall be located in front of the building line. In addition, the following setbacks shall apply:

- | | |
|-------------------------------------|---------|
| (1) Water Line: | |
| Interior side or rear property line | 10 feet |
| Street side or rear property line | 20 feet |

Additional setback requirements apply to mechanical equipment, pool decks and other appurtenances but no variances are being sought for these features. If the variance is approved, the decks, equipment and other items associated with the operation of the pool will need to comply with the appropriate setbacks.

CONSIDERATIONS

In evaluating variance requests, findings should be adopted. A 2011 state law allows that variances may be granted when the petitioner establishes that there are “practical difficulties” in complying with the City’s regulations. By statute, “practical difficulties” means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, that the plight of the landowner is due to circumstances unique to the property not created by the land owner and that the variance, if granted, will not alter the essential character of the locality. These findings are incorporated into the City Code and are included in findings 3 – 6 below. Two additional findings of City Code (1 and 2 below) are also a stipulation of statute.

The granting of a variance from the setback regulations of City Code requires the following findings must be made:

1. The variance is in harmony with the general purposes and intent of the ordinance from which the variance is requested.

The City of Coon Rapids adopts land development regulations generally to promote the public health, safety and general welfare of its residents, visitors and the traveling public. The City Code establishes a minimum setback of 20 feet for the water line of a pool from a street side property line; its purpose, in part, is to provide a safe and uniform separation between this recreational use and the uses on the public right-of-way. The setback required for this improvement is the same setback required of other permanent improvements – for both principal and accessory uses in this district – from the street side property line, including houses, porches, decks, gazebos, garages, and sheds. The proposed setback of seven feet does not meet the general purposes and intent of the ordinance.

2. The variance is consistent with the Comprehensive Plan.

The Comprehensive Plan provides for complete and balanced residential neighborhoods that include a variety of housing resources, and includes goals and policies for maintaining the existing housing stock.

The applicant must demonstrate there are practical difficulties in complying with the ordinance from which the variance is sought. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Economic considerations alone do not constitute practical difficulties. In determining this standard, all the following must be met:

3. Unless the variance is granted, the property cannot be used in a reasonable manner. If a property can be used reasonably without the granting of a variance, it can be used in a reasonable manner.

The property is zoned Low-Density Residential-2 and the foremost use of properties located in this district is a detached single-family house, together with its accessory uses. The existing use and the physical development of this property meet or exceed the minimum development standards of this zoning district. The proposed pool can

be sited in the rear yard of this property without need of a variance.

4. The variance requested must be the minimum to make reasonable use of the property.

There are other options for providing a pool on the property. As noted above, the proposed pool can be located in the rear yard meeting code requirements, including setbacks. It may or may not require removal of a tree or trees in this location. The pool could be placed closer to the wall of the house, or a smaller pool could be installed.

5. The plight of the applicant or landowner is due to circumstances unique to the property not created by the applicant or landowner.

There are no obvious circumstances unique to this property.

6. The variance, if granted, will not alter the essential character of the locality.

A screening fence currently exists that encloses the street side and rear yards of the property. The pool structure itself will not likely be visible to general public. A pool on residential property is not an anomaly.

The petitioner's narrative explaining how the criteria for granting a variance are met with this request. It is attached.

RECOMMENDATION

In Case 13-07V, staff recommends denial of a 13-foot street side yard setback variance from City Code Section 12-501(1) to locate a swimming pool seven feet from the street side property line based on the request failing to meet the findings required of City Code Section 11-304.9(2).

Attachments

Attachments

Daniel Flaherty, Petitioner
11749 Bittersweet Street
Case 13-07V
Street Side Yard Setback Variance/Pool
August 1, 2013

**Daniel Flaherty, Petitioner
11749 Bittersweet Street
Case 13-07V
Street Side Yard Setback Variance/Pool
August 1, 2013**



13-07V 11749 Bittersweet St

Daniel Flaherty, Petitioner



Aerial Photo: Flown Spring 2011



Prepared by Anoka
County GIS Department
This is a compilation of records as
they appear in the Anoka County
Offices affecting the area shown.
This drawing is to be used only for
reference purposes and the
County is not responsible for any
inaccuracies herein contained.

VARIANCE NARRATIVE

1. The hardship that exists based on the circumstances unique to the subject property.

The hardship, obviously, is that my family and I cannot utilize our yard for a swimming pool, because we have an unusual corner lot. We are not seeking a variance that is inconsistent with the general standards of lot use in Coon Rapids. Many properties have pools. Our corner lot has a front yard and two other, smaller yards, one directly in back and one on the back side.

Because we have these smaller yards, and not a large back yard, the circumstances of our property are somewhat unique. The denial of the variance would deprive us of the ability to use our "backyards" for typical recreational purposes.

2. The request allows the minimal improvement that would make possible the reasonable use of the property.

The variance would allow us to install and enjoy our pool without strict adherence to set-back rules. Nothing more is requested. This is an above ground pool that will be recessed in the ground to follow the slope of the yard.

3. The request would not be detrimental to the neighborhood or the public welfare.

We have a five foot high fence surrounding the pool yard. The pool cannot be seen from the street. No utility issues would be created by allowing a set-back as is proposed. Our immediate neighbors have given their consent. The installation of a pool is not detrimental to the public welfare in any way. The edge of the pool would still be over twenty (20) feet from the curb. The proposed set-back will not result in a pool that is unsightly, unusual or problematic in any way.

4. This variance would not create a special privilege not common to other property in the same zoning district.

This variance is sought so we can install and enjoy a swimming pool. That is not a special privilege; it is a privilege common to most properties and their owners. We merely want the ability to do what others routinely do, and without any detrimental effect to the neighborhood or the provision of utilities.

Daniel Flaherty, Petitioner
11749 Bittersweet Street
Case 13-07V,
Street Side Yard Setback Variance/Pool
Petitioner's Narrative
August 1, 2013

CVRB

CURE

BITTERSWEET STR.

16 x 28
ABOVE GROUND
POOL AREA

11749 BITTERSWEET
HOUSE

GARAGE

 28×24

Deck

garden
area

8 x 12
Sheet

128.86'

Force line 1' in side line

↖ NORTH
NOT TO SCALE



"the original portable pool"
doughboy®

The Silver Lake Pool

A beautifully designed marble pool wall with a sturdy steel frame that is built to last.

used x \$1,000⁰⁰



The Silver Lake Pool

Rugged and Beautiful

- **Strong Steel Frame.**
Flare 6" steel top rails and 6" steel vertical supports create a pool that is strong and built to last.
- **Stylish Two-toned Vertical Supports.**
The two-toned silver 6" columns are a beautiful accent to the Silver Lake wall.
- **Durable and Strong.**
Doughboy uses more top rails and vertical legs to create a more stable pool.
- **35 Year Warranty or longer on All Components.**



Pool Frames

No one else comes close. Doughboy pool frames are designed to last. Our frame steel leads the industry in terms of protective layers, coatings and treatments to provide unmatched protection against corrosion and abrasion.

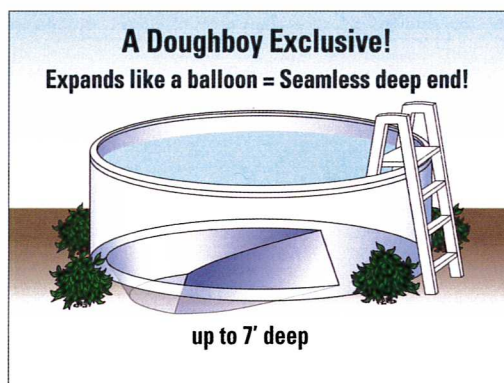


- **Com-Pac™ II Oval Support System.**
Superior engineering to maximize your pool. No other manufacturer can provide you with the space-saving features of the Com-Pac™ II.
- **Zinc Clad™ 11000.**
Hot-dipped galvanizing and numerous protective coatings for protection and corrosion resistance.

Liner Exclusives

The only above-ground pool manufacturer that produces virgin-vinyl liner material made to original Doughboy specifications. Liners are available in a variety of decorative patterns.

- **Exclusive "True" Expandable Liners** increase pool depth up to 7 feet with an optional Special-Purpose Deep Swimming Area for underwater swimming only.
- **Exclusive Therma-Seal™ Technology.**
This proprietary fusion method provides superior sealing for maximum durability and quality. Unmatched in the industry. We are so confident with this process that we cover the seams of our liners 100% for a lifetime.



A Size For Any Backyard

An excellent assortment of pool sizes to perfectly match your backyard.

Round

12' • 16'
18' • 21'
24' • 28'

Oval

20' x 12' • 24' x 12'
24' x 16' • 28' x 16'
32' x 16' • 34' x 18'
38' x 18' • 41' x 21'

Important: Misuse of your pool may result in crippling injury and/or other dangers to life and health. Do not dive or jump. Do not use slides, diving boards, or any other platform or object which can be used for improper pool entry. Use only an above-ground swimming pool ladder to enter or exit your pool. It is your responsibility to secure your pool against unauthorized, unsupervised or unintentional entry.

Change of Design: Doughboy Recreational expressly reserves the right to change or modify the design and construction of any product in due course of our manufacturing without incurring any obligation or liability to furnish or install such changes or modifications on products previously or subsequently sold.

Doughboy Recreational is in no way affiliated with any professional pool installer. If you have the pool installed by others, please supervise to be sure they comply with proper installation techniques as shown.



Visit our website at www.doughboy-pools.com

Doughboy Recreational • 315 N Sebastian • West Helena, AR 72390 • 866-DOUGHBOY